

STATE OF WISCONSIN

Senate Journal

Eighty-Sixth Regular Session

TUESDAY, May 17, 1983

10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The roll was called and the following senators answered to their names:

Present -- Senators Adelman, Bablitch, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor Douglas W. Haynes of Monona Evangelical Lutheran LC-MS, Monona.

The senate remained standing and Senator Czarnecki led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 269

Relating to eligibility for the farmland preservation program.

By Senators Cullen, Offner, Thompson, Kincaid, Chilsen, Hanaway and Lasee; cosponsored by Representatives Shoemaker, Donoghue, D. Travis, Robinson, Hasenohrl, Roberts, M. Coggs, Moyer, Wineke, Wood, Wimmer, Goetsch, Tregoning, Goodrich, Turba and Coleman.

To committee on Agriculture and Rural Affairs.

Senate Bill 270

Relating to the membership and duties of county traffic safety commissions and the appointment of county and city highway safety coordinators.

By Senator Chilsen.

To committee on Urban Affairs and Government Operations.

Senate Bill 271

Relating to exempting certain buildings from any automatic sprinkler system requirement.

By Senator Chilsen; cosponsored by Representative Robinson.

To committee on Labor, Business, Veterans Affairs and Insurance.

Senate Bill 272

Relating to vocational rehabilitation of blind persons, creating a division of services to the blind in the department of health and social services and making appropriations.

By Senator Chilsen.

To committee on Health, Education, Corrections and Human Services.

Senate Bill 273

Relating to defining 'unlawful tax' for the purpose of allowing its recovery.

By Senator Chilsen.

To committee on Tourism and Revenue.

Senate Bill 274

Relating to allowing hearsay statements at preliminary examinations.

By Senators Chilsen and Johnston; cosponsored by Representatives Larson, Andrea, McEssy, Merkt, Jaronitzky, Buettner, Ulichny, Schneiders and Williams.

To committee on Judiciary and Consumer Affairs.

Senate Bill 275

Relating to the fee on liming materials sold in the state and making an appropriation.

By Senator Moen; cosponsored by Representatives Neubauer, Moyer, Stower, Goetsch and Prosser.

To committee on Agriculture and Rural Affairs.

Senate Bill 276

Relating to temporary borrowing by school boards.

By Senators Thompson and Johnston.

To committee on Health, Education, Corrections and Human Services.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Resolution 10

Relating to the committee on aging, financial institutions and state institutions.

Introduction:

Ayes, 4 -- Senators Cullen, Risser, Offner and Engeleiter;

Noes, 0 -- None.

TIMOTHY F. CULLEN
Chair

Read and referred to committee on Senate Organization.

The committee on Health, Education, Corrections and Human Services reports and recommends:

Assembly Bill 101

Relating to authorizing a school board to charge fees for driver education programs.

Concurrence:

Ayes, 5 -- Senators Thompson, Norquist, Strohl, Lorman and Davis;

Noes, 0 -- None.

CARL W. THOMPSON
Chair

The committee on Tourism and Revenue reports and recommends:

Assembly Bill 294

Relating to the definition of "occasional sale" for purposes of the sales tax.

Concurrence:

Ayes, 3 -- Senators Kincaid, Van Sistine and Chilsen;

Noes, 0 -- None.

LLOYD H. KINCAID
Chair

The committee on Energy and Environmental Resources reports and recommends:

Senate Joint Resolution 19

Relating to United States leadership in the creation of a world free of the threat of nuclear weapons.

Adoption of senate substitute amendment 1:

Ayes, 3 -- Senators Strohl, Adelman and Lee;

Noes, 2 -- Senators Opitz and Ellis.

Adoption as amended:

Ayes, 3 -- Senators Strohl, Adelman and Lee;

Noes, 2 -- Senators Ellis and Opitz.

JOE STROHL
Chair

REPORT OF JOINT SURVEY COMMITTEE ON DEBT MANAGEMENT

Appendix to Senate Bill 83

Public Policy Involved

The borrowing-related provisions of **Senate Bill 83**, the proposed borrowing for the 1983-85 State Building Program, modifications to the 1979-81 and 1981-83 Building Programs and, if adopted by the joint committee on Finance, the increase in borrowing limits for the Health Facilities Authority, are desirable as a matter of public policy.

The committee is aware that requests have been made to the joint committee on Finance for bonding for economic development and export loans, but makes no

comment on the appropriateness or desirability of these proposals, since it understands that the joint committee on Finance will not include any of those proposals in Senate Bill 83.

Senate Bill 83 authorizes \$201,400,000 of revenue obligations for transportation facilities and highways. This amount should be reduced to reflect the actions of the Building Commission which reduce the amount requested for transportation facilities by \$294,600.

Also, as drafted, Sections 133,145,146,438 and 476 of Senate Bill 83, which relate to various appropriations for proceeds of revenue bond issues, are technically incorrect. These sections should be redrafted to include references to (a) the funds created under s. 18.57(1), Stats., for proceeds of the bond issues, (b) the statutory authority for the programs and (c) using the proceeds for reserves and expenses or issuance and management of the bond issues.

It should also be noted that this report has been adopted prior to adoption of the committee's policies on state debt and on revenue obligations. The committee, based on testimony from bond analysts, is in the process of revising its policies, that were adopted in 1981.

The committee is considering recommending limits on the amount of state-level borrowing for the 1983-85 biennium. These limits relate both to the limitations imposed by the bond market on the amounts of state bonds that can be sold and to the ability of the citizens of this state to support the debt service on the bonds. Careful management of state borrowing and the amount and timing of state borrowing will affect the response of the bond market to state bond issues.

FRED A. RISSER
Co-Chair

JOHN ROBINSON
Co-Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin

May 16, 1983

To the Honorable the Senate:

This is to let you know that I am resigning from the Labor, Business, Veterans Affairs and Insurance Committee. In the future I will serve on the Higher Education and Development Committee. Please note this change in my committee assignment in the proper records.

Very truly yours,
LYNN ADELMAN
State Senator

State of Wisconsin

May 12, 1983

To the Honorable the Senate:

I just wanted to drop you a short note to let you know I have resigned from the Aging, Financial Institutions

and State Institutions committee to become a member of the Labor, Business, Veterans Affairs and Insurance committee.

Sincerely,
CARL OTTE
State Senator

State of Wisconsin
Legislative Council

May 12, 1983

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1983 Legislature on legislation introduced by the Legislative Council:

RL 83-19 -- Legislation Relating to Child Care and Early Education (Assembly Bill 434)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Sincerely,
BONNIE REESE
Executive Secretary

CALENDAR OF MAY 17

By request of Senator Cullen, with unanimous consent, the appointments were considered enmasse.

ANDERSON, NORMAN E., of Hudson, to the Bingo Control Board, to serve a term to expire May 1, 1985.
Read.

JOYCE, JOHN R., of Briggsville, to the Bingo Control Board, to serve a term to expire May 1, 1988.
Read.

KARY, WILLIAM D., of Green Bay, to the Savings and Loan Review Board, to serve a term to expire May 1, 1985.
Read.

KREGEL, BENJAMIN, F., of Tomahawk, to the Bingo Control Board, to serve a term to expire May 1, 1987.
Read.

MYHRA, NORMAN, of Stevens Point, as a member of the Veterans Affairs Board, to serve for the term ending May 1, 1989.
Read.

PHILLIPS, W. DALE, of Milwaukee, to the Savings and Loan Review Board, to serve a term to expire May 1, 1985.
Read.

ZALEWSKI, IRENE, of Milwaukee, to the Bingo Control Board, to serve a term to expire May 1, 1986.
Read.

The question was: Shall the appointments be confirmed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the appointments were confirmed.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 83-13

AN ORDER to repeal NR 10.01 (3) (e) 5 and 8, 10.11 and 10.20 (1) (b) 1; to renumber NR 10.11 (2), 10.20 (1) (a) and (b) 2 and (2), 10.201 and 10.21; to amend NR 10.01 (3) (e) 4 (intro.), 10.02 (1), 10.15 (5) (a), 11.01 (2) (a) (intro.), 16.02 (4) (a) to (f) and 19.09 (2m) (c); to repeal and recreate NR 10.01 (3) (h) 1; and to create NR 10.001 (25), 10.09 (1) (c) (title), 2 and 3 and (3), 10.10 (2) (title), 10.102, 10.104 (title) and (1) (title) and (b) and 10.12 (5) (title), relating to regulation modification for the 1983 hunting and trapping seasons.

Submitted by Department of Natural Resources.

Report received from agency, May 13, 1983.

Referred to committee on Energy and Environmental Resources, May 17, 1983.

The committee on Energy and Environmental Resources reports and recommends:

Clearinghouse Rule 82-16

AN ORDER to repeal PSC 135-192.17; to amend PSC 135-192.7 (b) and (c), 192.145 (a), 192.163 (e), 192.225 (b) (1) and (2), 192.227 (b) (1) and (2), 192.237 (a), 192.239 (a) and (b), 192.241 (c), 192.557 (d) (1) and (3) (note) and Table of Subpart A, General; to repeal and recreate PSC 135.09 (2) and PSC 192.113, 192.117, 192.225 (a), 192.227 (a), 192.229 (c) and Appendices A and BI to part 192; and to create PSC 135-192.375 (c), relating to natural gas safety rules.

No action taken.

Clearinghouse Rule 82-76

AN ORDER to create ch. HSS 35, relating to implementation of the Wisconsin environmental policy act.

No action taken.

Clearinghouse Rule 82-145

AN ORDER to repeal and recreate NR 27.03 (1), relating to the U.S. foreign and native endangered and threatened species list.

No action taken.

Clearinghouse Rule 82-191

AN ORDER to amend NR 154.13 (2) (c) 1, (3) (e) 2 (title), (4) (a) 5, (b) 3, (g) 4 f, (L) 2 a and (m) 1 f, (6) (a) 1 and (b) 1 b and (13) (b) 1 c; and to create NR 154.01 (28m) and (68m) and 154.13 (3) (d) 1 b, (4) (c) 3, (L) 3 (title) and (m) 4 (title), (6) (b) 2 (title), (8) (b) and (11) (a) 3 (title), relating to the control of organic compound emissions.

No action taken.

Clearinghouse Rule 82-241

AN ORDER to repeal NR 25.07 (2) (a) 4 and 5; to renumber and amend NR 25.07 (2) (a) 3; to repeal and recreate NR 25.07 (2) (a) 2 and (3); and to create NR 25.07 (2) (a) 3, relating to the allocation of the commercial chub harvest in Lake Michigan.

No action taken.

Clearinghouse Rule 82-243

AN ORDER to renumber NR 25.06 (2) (a) 3; and to amend NR 25.06 (2) (a) 1 and (3) (f); and to create NR 25.06 (2) (a) 3, relating to commercial fishing for chubs and possession of altered fish tags on outlying waters.

No action taken.

Clearinghouse Rule 82-244

AN ORDER to create ch. PSC 167, relating to consideration of petitions for extended area telephone service.

No action taken.

Clearinghouse Rule 83-4

AN ORDER to repeal NR 25.03 (2) (b) and (c) 3; to renumber NR 25.03 (2) (c) (intro.), 1 and 2; to renumber and amend NR 25.03 (1) (b) 4 and 5 and (c) and (2) (c) 4; to amend NR 25.03 (1) (a), (2) (c) 5 and (3); to repeal and recreate NR 25.03 (1) (b) 2 and 3 and (2) (a); and to create NR 25.03 (2) (b) 3, relating to issuance of commercial fishing licenses for outlying waters.

Submitted by Department of Natural Resources.

No action taken.

Senate Bill 235

Relating to creating a summer youth employment board, authorizing grants for 1983 summer youth employment programs and making appropriations.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 235** was referred to joint committee on Finance.

Assembly Bill 101

Relating to authorizing a school board to charge fees for driver education programs.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 101

Read a third time and concurred in.

Assembly Bill 294

Relating to the definition of "occasional sale" for purposes of the sales tax.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 294

Read a third time and concurred in.

Assembly Bill 430

Relating to vehicle lengths for a motor bus and trailer combination owned by a nonprofit organization.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 430

Read a third time and concurred in.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

AMENDMENTS OFFERED

Senate amendments 1 and 2 to **Senate Bill 118** by Senator Feingold.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, May 19.

10:32 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 83

1. Page 629, line 31: delete that line.

JOE STROHL
Chair

CALENDAR OF MAY 17

Senate Bill 86

Relating to revoking assessors' certificates and to reassessments by the department of revenue.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 86** was referred to joint committee on Finance.

Senate Bill 90

1. Page 2, line 23: delete "ch. 985" and substitute "chapter 985 of the statutes".